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3/12/04PATENT
Attorney Docket No. 33882/US/2
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: STONE, et al. Serial No.: 09/782,503 Filing Date: 13 FEBRUARY 2001 For: AUDIOMETRIC APPARATUS AND ASSOCIATED SCREENING METHOD	Examiner: GRIER, LAURA A Group Art Unit: 2644 <u>CERTIFICATE OF MAILING</u> I hereby certify that this correspondence and its listed enclosures is being deposited with the United States Postal Service as First Class Mail addressed to Commissioner for Patents; P.O. Box 1450; Alexandria, VA 22313-1450 on <u>February 26, 2004</u> . Signed <u>Wendy W. Wilson</u> Wendy Wilson
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Terminal Disclaimer
To Overcome a Double-Patenting Rejection

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Technology Center 2600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, Natus Medical, Inc. a corporation duly organized under the laws of the State of Delaware, having its place of business at 1501 Industrial Road, San Carlos, CA 94070, represents that it is the assignee of the entire right, title, and interest of:

- (1) the instant application, U.S. Application Serial Number 09/782,503 by virtue of the following chain of title:
- a) an assignment from the inventors of the above application to Kinderlife Instruments, Inc. recorded in the United States Patent and Trademark Office at Reel 011739, Frame 0753; and
 - b) an assignment from Kinderlife Instruments, Inc. to Pemstar Pacific Consultants, Inc., a copy of which is attached and
 - c) an assignment from Pemstar Pacific Consultants, Inc. to Natus Medical, Inc., a copy of which is attached.
- (2) U.S. Patent Number 6,503,207 (issued from U.S. Patent Application No. 09/782,771) by virtue of the following chain of title:
- a) an assignment from the inventor to Kinderlife Instruments, Inc. recorded in the United States Patent and Trademark Office at Reel 011739, Frame 0836;
 - b) an assignment from Kinderlife Instruments, Inc. to Pemstar Pacific Consultants, Inc., a

copy of which is attached; and

c) an assignment from Pemstar Pacific Consultants, Inc. to Natus Medical, Inc, a copy of which is attached.

The evidentiary documents have been reviewed and to the best of Petitioner's knowledge and belief, title is in the Petitioner.

Petitioner hereby disclaims except as provided below the terminal part of the statutory term of any patent granted on the application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent Number 6,503,207. Petitioner hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that it and the above listed patent are commonly owned. This agreement runs with any patent granted on the above application and is binding on the grantee, its successor or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the above-listed patent in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned, whose title is supplied below, is empowered to act on behalf of the corporation
Dated: 2/17/04

Signed: Mark Foster
Printed Name: Mark Foster
Title: VP & General Counsel

Corporation: Natus Medical, Inc.

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